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8
9 **BEFORE THE ARIZONA MEDICAL BOARD**

10
11 In the Matter of:

12 **MARY GROVES, M.D.,**

13 Holder of License No. 30315
14 for the practice of allopathic Medicine in
the State of Arizona,

15 Respondent.

CIV No. 05A-30315-MDX

**CONSENT AGREEMENT FOR
SUSPENSION OF LICENSE**

16
17 **CONSENT AGREEMENT**

18 **RECITALS**

19 In the interest of a prompt and judicious settlement of the above-captioned matters
20 before the Arizona Medical Board (the "Board") and consistent with the public interest,
21 statutory requirements and responsibilities of the Board and under A.R.S. § 41-
22 1092.07(F)(5) and A.R.S. § 32-1451(F), Mary Groves, M.D. ("Respondent"), holder of
23 License No. 30315 for the practice of allopathic medicine in the State of Arizona, and the
24 Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
25 ("Consent Agreement") as the final disposition of this matter.

26 1. Respondent has read and understands this Consent Agreement as set forth

1 herein, and has had the opportunity to discuss this Consent Agreement with an attorney.
2 Respondent voluntarily enters into this Consent Agreement for the purpose of avoiding
3 the expense and uncertainty of an administrative hearing.

4 2. Respondent understands that she has a right to a public administrative
5 hearing concerning each and every allegation set forth in the above-captioned matters, at
6 which administrative hearing she could present evidence and cross-examine witnesses.
7 By entering into this Consent Agreement, Respondent freely and voluntarily relinquishes
8 all right to such an administrative hearing, currently set for December 13, 2005, as well
9 as all rights of rehearing, review, reconsideration, appeal, judicial review or any other
10 administrative and/or judicial action, concerning the matters set forth herein. Respondent
11 affirmatively agrees that this Consent Agreement shall be irrevocable.

12 3. Respondent agrees that the Board may adopt this Consent Agreement or any
13 part of this agreement under A.R.S. § 32-1451(F). Respondent understands that this
14 Consent Agreement or any part of the agreement may be considered in any future
15 disciplinary action against her.

16 4. Respondent understands that this Consent Agreement does not constitute a
17 dismissal or resolution of other matters currently pending before the Board, if any, that
18 are not specifically address herein. Respondent further understands that this Consent
19 Agreement does not constitute any waiver, express or implied, of the Board's statutory
20 authority or jurisdiction regarding any other pending or future investigation, action or
21 proceeding. Respondent also understands that acceptance of this Consent Agreement
22 does not preclude any other agency, subdivision or officer of this state from instituting
23 other civil or criminal proceedings with respect to the conduct that is the subject of this
24 Consent Agreement.

25 5. All admissions made by Respondent in this Consent Agreement are made
26

1 solely for the final disposition of this matter, and any related administrative proceedings
2 or civil litigation involving the board and Respondent. This Consent Agreement is not to
3 be used for any other regulatory agency proceedings, or civil or criminal proceedings,
4 whether in the State of Arizona or any other state or federal court, except related to the
5 enforcement of the Consent Agreement itself.

6 6. Respondent acknowledges and agrees that, upon signing this Consent
7 Agreement and returning this document to the Board's Executive Director, Respondent
8 may not revoke his acceptance of the Consent Agreement or make any modifications to
9 the document, regardless of whether the Consent Agreement has been issued by the
10 Executive Director. Any modification to this original document is ineffective and void
11 unless mutually approved by the parties in writing.

12 7. Respondent understands that the foregoing Consent Agreement shall not
13 become effective unless and until adopted by the Board and signed by its Executive
14 Director.

15 8. Respondent understands and agrees that if the Board does not adopt this
16 Consent Agreement, she will not assert as a defense that the Board's consideration of this
17 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defense.

18 9. Respondent understands that this Consent Agreement is a public record that
19 may be publicly disseminated as a formal action of the Board, and shall be reported as
20 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
21 Protection Data Bank.

22 10. Respondent understands that any violation of this Consent Agreement
23 constitutes unprofessional conduct pursuant to A.R. S. §32-1401 (25)(r) ([v]iolating a
24 formal order, probation, consent agreement or stipulation issued or entered into by the
25 Board or its executive director under the provisions of this chapter) and may result in
26

1 disciplinary action pursuant to A.R.S. § 32-1451.
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3

4 ACCEPTED BY:

5 DATED: 12-14-05

6 
7 Mary Groves, M.D.

8 
9 John D. Herbert, Esq.
10 Attorney for Respondent

11 **FACTUAL ALLEGATIONS**

12 **MD-04-0333A**

- 13
- 14 1. On March 12, 2004, the Board opened an investigation regarding Respondent's
- 15 competency after receiving notification from the Chandler Police Department that
- 16 Respondent had been arrested on a charge of driving while under the influence.
- 17 2. Board investigators obtained a copy of the urine drug screen from the police
- 18 department which indicated Respondent had taken numerous prescription
- 19 medications.
- 20 3. In June, 2004, pursuant to an Interim Order, Respondent completed an inpatient
- 21 evaluation at Sierra Tucson which recommended Respondent undergo two years
- 22 of urine drug monitoring and/or hair testing and addiction education.
- 23 4. Respondent was given an Interim Order for Random Urine Drug Screens on
- 24 February 28, 2005. Several of the drug screens were positive for opiates and
- 25 benzodiazepines. This Interim Order was vacated on June 13, 2005, because
- 26 Respondent's physician treating her for pain management was prescribing these

1 medications.

2 5. Respondent was referred for inpatient treatment evaluation and treatment at
3 Hazelden Springbrook and completed the evaluation on September 30, 2005.

4 6. Hazelden Springbrook's evaluation could not substantiate a firm diagnosis of
5 substance abuse or dependence, but determined that Respondent is impaired by her
6 ongoing medical issues related to chronic pain and the requirement that she
7 continue opiates and benzodiazepines to control the pain.

8 7. Respondent's license was summarily suspended by the Board on October 17, 2005,
9 when the Board determined that she was not able to safely practice medicine due
10 to the medications she was using to control chronic pain.

11 8. Respondent admits that she is mentally or physically unable safely to engage in the
12 practice of medicine at this time.

13 9. Respondent further agrees that she will comply with Arizona law and guidelines
14 established by the Board in closing her medical practice and the disposition of
15 patient medical records.

16 **CONSENT ORDER**

17 IT IS THEREFORE ORDERED that:

18 1. The license number 30315, issued to Respondent Mary Groves, M.D., is
19 suspended until Respondent applies to the Board for reinstatement.

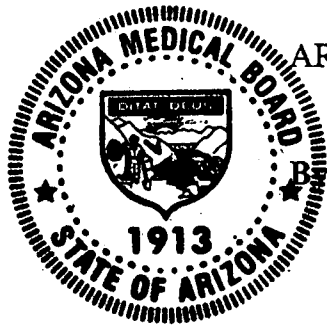
20 Respondent must be able to affirmatively show that she is physically able to
21 safely engage in the practice of medicine and is no longer dependant on opiate
22 and benzodiazepines. The Board may require any combination of Staff
23 approved physical examination, psychiatric and/or psychological evaluations,
24 or successful passage of the Special Purpose Licensing Examination or other
25 competency examination/evaluation or interview it finds necessary to assist it
26

1 in determining Respondent's ability to safely and competently return to the
2 active practice of medicine.

- 3 2. Respondent will establish with a primary care physician (PCP), approved by
4 Board staff. The PCP will file quarterly reports with the Board regarding
5 Respondent's current physical condition and dependence on pain medications.
6 3. Upon the Board lifting the suspension, Respondent will continue to be
7 .. monitored by the Board's Physician Health Program (PHP) for a period NOT
8 TO EXCEED TWO years and submit to random urine screens.

9 DATED AND EFFECTIVE this 9th day of June 2005.

10
11 (SEAL)



ARIZONA MEDICAL BOARD

12 
13 Timothy C. Miller, J.D.
14 Executive Director

15 Original of the foregoing filed this
16 9th day of June, 2005,
17 with:

18 Arizona Medical Board
19 9545 E. Doubletree Ranch Road
20 Scottsdale, Arizona 85258


21 COPY of the foregoing mailed by U.S.
22 Certified Mail this 9th day of June, 2005, to:

23 John Herbert
24 Herbert & Associates
25 PO Box 9620
26 Chandler Heights, Arizona 85277

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